

Chapter 388-891 WAC

VOCATIONAL REHABILITATION SERVICES FOR INDIVIDUALS WITH DISABILITIES

(Formerly chapter 388-890 WAC (part))

| WAC | PURPOSE | | |
|--------------|---|--------------|--|
| 388-891-0005 | What is the purpose of this chapter? | 388-891-0345 | Do I have to pay a portion of my VR services if I receive assistance or income support from another public program? |
| | DEFINITIONS | 388-891-0350 | What financial information does DVR use to decide if I need to help pay for VR services? |
| 388-891-0010 | What definitions apply to this chapter? | 388-891-0355 | How is the amount I pay for VR services determined? |
| | PROTECTION AND USE OF CONFIDENTIAL INFORMATION | 388-891-0360 | What personal resources are not counted in the decision about whether I have to help pay for services? |
| 388-891-0100 | What personal information about me does DVR keep on file? | 388-891-0365 | What VR program services am I not required to help pay for? |
| 388-891-0103 | Can DVR obtain personal information about you? | 388-891-0370 | Can I select the services and service provider of my choice? |
| 388-891-0110 | What happens if DVR receives information that indicates I have a previous history of behavior involving violent or predatory acts? | | INFORMED CHOICE |
| 388-891-0120 | Can I ask DVR to change incorrect information in my case service record? | 388-891-0400 | What is informed choice? |
| 388-891-0130 | Can DVR share personal information in my record with others? | 388-891-0410 | How does DVR support the informed choice process? |
| 388-891-0135 | How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases? | 388-891-0420 | What if I don't know how to use the informed choice decision making process? |
| 388-891-0140 | Can I obtain copies of information in my case service record? | 388-891-0430 | What decisions can I make using informed choice? |
| 388-891-0150 | How does DVR protect personal information that is released for audit, evaluation or research? | 388-891-0440 | What information and assistance will DVR provide to help me make informed choices about VR services and service providers? |
| | CUSTOMER RIGHTS | | ORDER OF SELECTION |
| 388-891-0200 | Can a guardian or another representative act on my behalf with DVR? | 388-891-0500 | What happens if DVR cannot serve every eligible person? |
| 388-891-0205 | How do I ask for an exception to a rule in this chapter? | 388-891-0510 | How are individuals selected for services when DVR is operating under an order of selection? |
| 388-891-0210 | What happens after I submit a request for an exception? | 388-891-0520 | What are the criteria for priority category 1—Individuals with most severe disabilities? |
| 388-891-0215 | What if a DVR counselor makes a decision about my VR services that I don't agree with? | 388-891-0530 | What are the criteria for priority category 2—Individuals with severe disabilities? |
| 388-891-0220 | What is the client assistance program (CAP)? | 388-891-0540 | What are the criteria for priority category 3—Individuals with disabilities? |
| 388-891-0225 | What is mediation? | | VR SERVICES |
| 388-891-0230 | When can I ask for mediation? | 388-891-0600 | What vocational rehabilitation services are available to individuals from DVR? |
| 388-891-0235 | Who arranges and pays for mediation? | 388-891-0605 | What are assessment services? |
| 388-891-0240 | Is information discussed during mediation confidential? | 388-891-0610 | What are independent living services and/or evaluation? |
| 388-891-0245 | If the mediation session results in an agreement, do I receive a written statement of the results? | 388-891-0615 | What are information and referral services? |
| 388-891-0250 | What is a fair hearing? | 388-891-0620 | What are interpreter services? |
| 388-891-0255 | How do I request a fair hearing? | 388-891-0625 | What are job placement services? |
| 388-891-0260 | After I submit a request for a fair hearing, when is it held? | 388-891-0630 | What are job retention services? |
| 388-891-0265 | What is a prehearing meeting? | 388-891-0635 | What are maintenance services? |
| 388-891-0270 | Do I receive a written fair hearing decision? | 388-891-0640 | What are occupational licenses? |
| 388-891-0275 | Is the fair hearing decision final? | 388-891-0645 | What are personal assistance services? |
| 388-891-0295 | Can DVR suspend, reduce or terminate my services if I request a fair hearing? | 388-891-0650 | What are physical and mental restoration services? |
| | PAYING FOR VR SERVICES | 388-891-0655 | What are the medical treatments DVR does not pay for? |
| 388-891-0300 | Under what conditions does DVR provide and/or pay for vocational rehabilitation services to individuals? | 388-891-0660 | What is rehabilitation technology? |
| 388-891-0310 | What VR services are provided without determining whether services or benefits are available from another program or organization? | 388-891-0665 | Under what conditions does DVR provide vehicle modifications as a rehabilitation technology service? |
| 388-891-0320 | What if looking for services and benefits available from another program would delay or interrupt my progress toward achieving an employment outcome? | 388-891-0670 | What types of insurance can DVR pay for? |
| 388-891-0325 | Does DVR pay for a VR service if services and benefits are available from another program or organization, but I don't want to use them? | 388-891-0675 | What types of assistive technology insurance can DVR pay for? |
| 388-891-0330 | Does DVR consider academic awards and scholarships based on merit as comparable benefits? | 388-891-0680 | What types of assistive technology warranties can DVR pay for? |
| 388-891-0340 | How does DVR determine whether I must pay part of my VR services using my own financial resources? | 388-891-0685 | What are self-employment services? |
| | | 388-891-0690 | What vocational rehabilitation services can DVR provide to my family member(s)? |
| | | 388-891-0695 | What types of child care does DVR provide to my family members? |
| | | 388-891-0700 | What is substantial counseling and guidance? |
| | | 388-891-0705 | What are tools, equipment, initial stocks and supplies? |
| | | 388-891-0710 | What are training services? |
| | | 388-891-0715 | What is on-the-job training? |
| | | 388-891-0720 | What is post-secondary training? |
| | | 388-891-0725 | What is technical or vocational training? |
| | | 388-891-0730 | What is basic education/literacy training? |

- 388-891-0735 What is community rehabilitation program (CRP) training?
- 388-891-0740 What other training does DVR provide?
- 388-891-0745 What conditions apply to receiving training services at an institution of higher education?
- 388-891-0750 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college?
- 388-891-0755 What are transition services?
- 388-891-0760 What are translation services?
- 388-891-0765 What are transportation services?
- 388-891-0770 Under what conditions does DVR provide a vehicle?
- 388-891-0775 What happens if DVR has a question about my driving safety?
- 388-891-0780 What other services does DVR provide?
- 388-891-0790 What are post-employment services?

SUPPORTED EMPLOYMENT

- 388-891-0800 What is supported employment?
- 388-891-0810 Who is eligible for supported employment?
- 388-891-0815 Who decides if I am eligible for supported employment?
- 388-891-0820 What is competitive work in supported employment?
- 388-891-0825 What is an integrated setting in supported employment?
- 388-891-0830 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers?
- 388-891-0835 What is transitional employment?
- 388-891-0840 What are supported employment services?
- 388-891-0845 What are ongoing support services?
- 388-891-0850 What are extended services?
- 388-891-0855 Does DVR provide extended services?
- 388-891-0860 Who provides the extended services I need?
- 388-891-0865 What is natural support?
- 388-891-0875 What is required for me to change from supported employment services to extended services?
- 388-891-0880 What if my counselor and I cannot secure a source of extended services or natural supports?
- 388-891-0885 Under what conditions does DVR close my case service record for supported employment?
- 388-891-0890 Under what conditions does DVR provide supported employment services as post-employment services?

APPLYING FOR VR SERVICES

- 388-891-0900 Who can apply for vocational rehabilitation services?
- 388-891-0910 Am I required to provide proof of my identity and work status?
- 388-891-0920 If I don't live in Washington, can I receive VR services?
- 388-891-0930 Can I receive VR services if I am legally blind?
- 388-891-0940 Can I receive VR services if I am Native American?
- 388-891-0950 How do I contact DVR if I don't speak English?
- 388-891-0960 What other methods of communication does DVR use?
- 388-891-0970 Does DVR translate written communication for people who don't speak English?
- 388-891-0980 How do I apply for VR services?

ELIGIBILITY

- 388-891-1000 Who is eligible to receive VR services?
- 388-891-1005 How does DVR determine if I am eligible?
- 388-891-1010 After I submit my application to DVR, how long does it take DVR to make an eligibility decision?
- 388-891-1015 What if a DVR counselor cannot presume that I am capable of working as a result of receiving VR services because of the severity of my disability?
- 388-891-1020 Am I eligible for VR services if I receive Social Security disability benefits?
- 388-891-1025 What criteria are not considered in the eligibility decision?
- 388-891-1030 What is involved in a trial work experience?
- 388-891-1035 What if I cannot participate in a trial work experience?
- 388-891-1040 What is an extended evaluation?
- 388-891-1045 What happens if DVR determines that I am not eligible or no longer eligible for VR services?
- 388-891-1050 If I am not eligible for VR services, can DVR help me find other services and programs to meet my needs?

IPE DEVELOPMENT

- 388-891-1100 What is an assessment for determining vocational rehabilitation needs?
- 388-891-1105 Do I have to disclose criminal history information to DVR?
- 388-891-1110 What other assessments might be required?
- 388-891-1115 What is an individualized plan for employment (IPE)?
- 388-891-1120 Who develops an IPE?

- 388-891-1125 What information does DVR provide to help me develop my IPE?
- 388-891-1130 What are the options for developing an IPE?
- 388-891-1135 Does DVR support any job I choose?
- 388-891-1137 What if the employment goal I choose is religious in nature?
- 388-891-1140 What must be included on the IPE form?
- 388-891-1145 When does the IPE become effective?
- 388-891-1150 Is the IPE reviewed and updated?

LOANING EQUIPMENT

- 388-891-1200 Under what conditions does DVR loan equipment, devices or other items to me?
- 388-891-1210 What if I need an item customized for my own personal needs?
- 388-891-1220 What conditions apply to the use of a device, tool, piece of equipment or other item that is loaned to me?
- 388-891-1230 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR?
- 388-891-1240 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed?

CASE CLOSURE

- 388-891-1300 Why does DVR close a case service record?
- 388-891-1310 How does DVR determine that I have achieved an employment outcome?
- 388-891-1320 Am I involved in the decision to close my case?
- 388-891-1330 Under what conditions does DVR follow up with me after my case is closed?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-891-0870 Are supported employment services time-limited? [Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0870, filed 12/20/02, effective 2/3/03.] Repealed by WSR 07-10-023, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363.

PURPOSE

WAC 388-891-0005 What is the purpose of this chapter? This chapter explains the types of vocational rehabilitation services (referred to as "**VR services**" in this chapter) available to individuals who are eligible through the department of social and health services (DSHS), division of vocational rehabilitation (DVR).

VR services are offered to assist individuals with disabilities to prepare for, get, and keep jobs that are consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. This chapter is consistent with the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1998 and codified in 34 Code of Federal Regulations, Parts 361 and 363 and with state laws and DSHS requirements.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0005, filed 12/20/02, effective 2/3/03.]

DEFINITIONS

WAC 388-891-0010 What definitions apply to this chapter? "Competitive employment" means:

- (1) Part-time or full-time work;

- (2) Work that is performed in an integrated setting;
- (3) Work for which an individual is paid at or above the minimum wage; and
- (4) Work for which an individual earns the same wages and benefits as other employees doing similar work who are not disabled.

"Employment outcome" means competitive employment, supported employment, self-employment, telecommuting, business ownership, or any other type of employment in an integrated setting that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

"Extended employment" means work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.

"Extreme medical risk" means medical conditions that are likely to result in substantial physical or mental impairments or death if services, including mental health services, are not provided quickly.

"Family member" means a person who is your relative or legal guardian; or someone who lives in the same household as you and has a substantial interest in your well being.

"Individual with a disability" means an individual:

- (1) Who has a physical or mental impairment;
- (2) Whose impairment results in a substantial impediment (medical, psychological, vocational, educational, communication, and others) hindering her or his ability to achieve an employment outcome; and
- (3) Who can achieve an employment outcome as a result of receiving VR services.

"Integrated setting" means:

(1) The setting in which you receive a VR service is integrated if it is a setting commonly found in the community (such as a store, office or school) where you come into contact with nondisabled people while you are receiving the service. The nondisabled people you come into contact with are not the same people providing VR services to you.

(2) The setting in which you work is integrated if it is a setting commonly found in the community where you come into contact with nondisabled people as you do your work. The amount of contact you have with nondisabled people is the same as what a nondisabled person in the same type of job would experience.

"Most recent tax year" means the most recent calendar year for which you filed or were required to file an income tax return with the United States Internal Revenue Service (IRS).

"Physical, mental or sensory impairment" means:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

"Representative" means any person chosen by an applicant or eligible individual, including a parent, family member or advocate, unless a representative has been

appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

"Substantial impediment to employment" means the limitations you experience as a result of a physical, mental or sensory impairment that hinder your ability to prepare for, find, or keep a job that matches your abilities and capabilities.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0010, filed 12/20/02, effective 2/3/03.]

PROTECTION AND USE OF CONFIDENTIAL INFORMATION

WAC 388-891-0100 What personal information about me does DVR keep on file? DVR keeps a case service record while you are receiving services and for three years after your case is closed. The case service record includes, but is not limited to:

(1) The DVR application form or written request for VR services.

(2) Documentation explaining the need for the trial work experience or extended evaluation, if conducted, and the written plan for conducting the trial work experience or extended evaluation, and documentation of progress reviews.

(3) Documentation and records that support the determination of eligibility or ineligibility.

(4) Documentation supporting the severity of disability and priority category determination.

(5) Financial statement and/or related records.

(6) Plan for employment, amendments to the plan, if amended, and information supporting the decisions documented on the plan.

(7) Documentation describing how you used informed choice to make decisions throughout the process, including assessment services, selection of an employment outcome, VR services, service provider, type of setting and how to get VR services.

(8) If VR services are provided in a setting that is not integrated, documentation of the reason(s) for using a nonintegrated setting;

(9) If you achieve a competitive employment outcome, documentation to show:

(a) Your wages and benefits;

(b) That the job you have is:

(i) Described in your plan for employment;

(ii) Consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and

(iii) In an integrated setting.

(c) That the services provided to you in your plan for employment helped you become employed;

(d) That you have been employed for at least ninety days and that you no longer need vocational rehabilitation services;

(e) That you and your VR counselor agree that your employment is satisfactory and that you are performing well; and

(f) That you have been informed, through appropriate modes of communication about the availability of post-employment services.

(10) If you are referred to another state or federal program for services to prepare for, find or keep a job, documentation of the referral, the reason(s) for the referral, and the name of the program(s) to which you are referred.

(11) Documentation of case closure, including:

(a) Reasons for closing the case service record;

(b) How you were involved in the decision to close the case; and

(c) A copy of the closure letter that explains the reason(s) for case closure and your rights if you disagree with the decision.

(12) Documentation of the results of mediation or fair hearings, if held;

(13) Documentation of annual reviews after your case service record is closed as outlined in WAC 388-891-1330 if:

(a) You choose extended employment in a nonintegrated setting;

(b) You achieve a supported employment outcome in an integrated setting for which you are paid in accordance with section 14(c) of the Fair Labor Standards Act; or

(c) DVR determines you are ineligible because you are too severely disabled to benefit from VR services.

(14) Other documentation that relates to your participation in VR services, including your progress, throughout the VR process.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0100, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0103 Can DVR obtain personal information about you?

(1) In order to serve you, DVR may obtain personal information about you from service providers and cooperating agencies. This personal information helps us better understand your disabilities, barriers to employment, abilities, interests and needs for VR services and to coordinate DVR services with the services you receive from other agencies and programs.

(2) DVR may obtain financial information about you from state and federal agencies to verify benefits you receive from other agencies or programs, earnings and income from employment or self-employment. DVR will only collect such information if the state or federal agencies have legal authority to release it to DVR. This may occur with or without your consent.

(3) If DVR collects information about you from service providers or other agencies, the information will not be released to others without your written consent.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0103, filed 4/23/07, effective 6/15/07.]

WAC 388-891-0110 What happens if DVR receives information that indicates I have a previous history of behavior involving violent or predatory acts? (1) If a VR counselor receives information or records that reasonably lead the VR counselor to believe you have a previous history

of violent or predatory behavior, you must participate in an assessment conducted by a licensed psychiatrist, psychologist, counselor, certified sex offender treatment provider, or other qualified professional prior to developing a plan for employment. The assessment is for the purpose of determining the level of risk you present to yourself or others in an employment situation.

(2) The VR counselor must consider the results and recommendations of the assessment in developing the plan for employment, including any restrictions relating to employment outcome or employment setting.

(3) If the results of the assessment indicate a potential risk to a service provider or employer, the individual must consent to release information about the behavior to a potential service provider or potential employer prior to referral for services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0110, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0120 Can I ask DVR to change incorrect information in my case service record?

You may ask DVR to correct information in your case service record that you believe is incorrect. DVR corrects the information, unless DVR disagrees that the information is incorrect. If there is a disagreement about the accuracy of the information, you may provide a written document explaining the information you believe incorrect. DVR puts the document in your case service record.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0120, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0130 Can DVR share personal information in my record with others? (1) DVR shares personal information with others only if:

(a) Another organization or program involved in your VR services needs the information to serve you effectively;

(b) You request information in the case service record be shared with another organization for its program purposes;

(c) You select an employment outcome in a field that customarily requires a criminal history background check as a condition of employment; and

(d) You sign a written consent giving DVR permission to release, exchange, or obtain the information.

(2) DVR may release personal information without your written consent only under the following conditions:

(a) If required by federal or state law;

(b) To a law enforcement agency to investigate criminal acts, unless prohibited by federal or state law;

(c) If given an order signed by a judge, magistrate, or authorized court official;

(d) If DVR reasonably believes you are a danger to yourself or others;

(e) To the DSHS division of child support; or

(f) To an organization, agency or person(s) conducting an audit, evaluation or research.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0130, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0135 How does DVR protect personal information about drug, alcohol, HIV/AIDS and sexually transmitted diseases? (1) DVR uses special protections when you share personal information about drug or alcohol abuse or about HIV/AIDS and sexually transmitted diseases.

(2) DVR asks for your specific permission to copy information of this nature before sharing it with a service provider or organization that is helping you reach your employment goals.

(3) Information about drug and alcohol abuse must be handled in accordance with RCW 70.96A.150 and applicable federal and state laws and regulations.

(4) Information about HIV/AIDS or other sexually transmitted diseases must be handled in accordance with RCW 70.24.105 and applicable federal and state laws and regulations.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0135, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0140 Can I obtain copies of information in my case service record? (1) You may review or obtain copies of information contained in your case service record by submitting a request to DVR. DVR provides access to or provides copies of records upon request, except in the following circumstances:

(a) If DVR believes the medical, psychological, or other records in your case service record may be harmful to give to you, DVR only releases the records to a third party that you choose, such as your representative, parent, legal guardian or a qualified medical professional.

(b) If DVR receives personal information about you from another agency or service provider, DVR may share the records only by, or under the conditions established by the agency or service provider that provided the information.

(c) If a representative has been appointed by a court to represent you, the information must be released to the representative.

(2) DVR provides access or gives you copies of records within five business days of receiving your request. If DVR cannot fulfill your request within five business days, DVR will send you a written notice of the reason(s) the request cannot be met and the date you are granted access or the date the requested information will be provided.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0140, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0140, filed 12/20/02, effective 2/3/03.]

(4/23/07)

WAC 388-891-0150 How does DVR protect personal information that is released for audit, evaluation or research? DVR may release personal information for audit, evaluation or research if the results would improve the quality of life or VR services for people with disabilities. Before any personal information is shared, the organization, agency, or individual must agree to the following conditions:

(1) The information must only be used by people directly involved in the audit, evaluation or research;

(2) The information must only be used for the reasons approved by DVR in advance;

(3) The information must be kept secure and confidential;

(4) The information must not be shared with any other parties, including you or your representative; and

(5) The final product or report must not contain any personal information that would identify you without your written consent.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0150, filed 12/20/02, effective 2/3/03.]

CUSTOMER RIGHTS

WAC 388-891-0200 Can a guardian or another representative act on my behalf with DVR? (1) You may select someone to act as your representative, as appropriate, during the VR program.

(2) If you have a legal guardian or a court-appointed representative, he or she must act as your representative.

(a) A legal guardian or court-appointed representative must provide DVR with documentation of guardianship.

(b) Your legal guardian or court-appointed representative must sign the application and other documents that require your signature.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0200, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0205 How do I ask for an exception to a rule in this chapter? (1) A request for exception to a rule in this chapter is submitted to the DVR director or designee in writing, and must include:

(a) A description of the exception being requested;

(b) The reason you are asking for the exception; and

(c) The duration of the exception, if applicable.

(2) An exception requesting a medical service that is otherwise not provided by DVR may only be requested on a trial basis or for a short duration to be specified in the request.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0205, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0210 What happens after I submit a request for an exception? (1) After receiving your request for an exception, the DVR director or designee decides whether to approve the request based on:

(a) The impact of the exception on accountability, efficiency, choice, satisfaction, and quality of services;

(b) The degree to which your request varies from the WAC; and

(c) Whether the rule or condition is a federal regulation that cannot be waived.

(2) The DVR director or designee responds to the request for an exception within ten working days of receiving the request.

(a) If the request is approved, the DVR director or designee provides a written approval that includes:

(i) The specific WAC for which an exception is approved;

(ii) Any conditions of approval; and

(iii) Duration of the exception.

(b) If the request is denied, the DVR director or designee will provide a written explanation of the reasons for the denial.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0210, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0215 What if a DVR counselor makes a decision about my VR services that I don't agree with?

(1) If a DVR counselor makes a decision that affects the VR services provided to you that you don't agree with, you may try to resolve the disagreement by any one of the following or a combination of the following:

(a) Seek assistance from the client assistance program, talk to the VR counselor, talk to the VR supervisor, or talk to the DVR director or his or her designee;

(b) Request mediation; and/or

(c) Request a fair hearing.

(2) You may request a fair hearing and/or mediation while you continue to work with the DVR counselor, VR supervisor or DVR director or designee to resolve the disagreement. If you reach agreement prior to the date of the scheduled mediation or fair hearing, the request may be withdrawn.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0215, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0220 What is the client assistance program (CAP)? The client assistance program (CAP) is a program independent of DVR that offers information and advocacy about your rights as a DVR customer and offers assistance to help you receive services. You may ask for help or information from CAP at any time during the rehabilitation process by asking a DVR staff person for information about how to contact CAP or by calling CAP toll free at 1-800-544-2121 voice/TTY. A CAP representative may represent you with DVR if a disagreement occurs that you cannot resolve on your own. CAP attempts to resolve disagreements informally through discussions with the DVR employee(s) involved as a first step. If informal efforts are not successful, CAP may represent you in mediation and/or a fair hearing. CAP services are available at no cost to you.

[Ch. 388-891 WAC p. 6]

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0220, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0225 What is mediation? (1) Mediation is a process in which a trained mediator conducts a meeting with you and a representative from DVR, usually your DVR counselor to help you settle a disagreement.

(a) The mediator does not work for DVR.

(b) The mediator does not make decisions about your case.

(c) Mediation is voluntary for all parties.

(2) During mediation:

(a) Each party presents information or evidence;

(b) The mediator reviews and explains the laws that apply; and

(c) The mediator helps you and the VR representative reach an agreement, if possible.

(3) You may ask someone to represent you during the mediation, including a CAP representative, however, you must be present.

(4) Agreements you and DVR reach through mediation are not legally binding.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0225, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0230 When can I ask for mediation?

You may ask for mediation any time you disagree with a decision DVR makes that affects the VR services that DVR provides to you. Mediation is not used to deny or delay your right to a fair hearing. You may request both mediation and a fair hearing at the same time. If an agreement is reached during mediation, the fair hearing is cancelled.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0230, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0235 Who arranges and pays for mediation? DVR schedules mediation in a timely manner at a location that is convenient to all parties. DVR pays for costs related to mediation, except costs related to a representative or attorney you ask to attend. DVR may pay for VR services you require to participate in mediation, such as transportation or child care.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0235, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0240 Is information discussed during mediation confidential? Discussions during mediation are confidential and may not be used in a later fair hearing or civil proceeding, if one is held. Before beginning a mediation session, all parties must sign a statement of confidentiality.

(4/23/07)

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0240, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0245 If the mediation session results in an agreement, do I receive a written statement of the results? If you and the DVR representative reach an agreement during mediation:

- (1) The agreement is documented in writing;
- (2) You and the DVR representative sign the written agreement; and
- (3) DVR provides you with a copy of the agreement.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0245, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0250 What is a fair hearing? A fair hearing is a review process outlined under the Administrative Procedure Act, chapter 34.05 RCW and chapter 388-02 WAC that is conducted by an administrative law judge who works for the office of administrative hearings. During a fair hearing, both you and DVR may present information, witnesses, and/or documents to support your position. You may ask someone to represent you, such as an attorney, a friend, a relative, a representative from the client assistance program, or someone else you choose. The administrative law judge makes a decision after hearing all of the information presented; reviewing any documents submitted, and reviewing relevant laws and regulations.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0250, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0255 How do I request a fair hearing?

- (1) To ask for a fair hearing, send a written request to the office of administrative hearings. You must include the following information in your written request:
 - (a) Your name, address, and telephone number;
 - (b) The name of the DSHS program that the fair hearing involves (such as DVR);
 - (c) A written statement describing the decision and the reasons you disagree; and
 - (d) Any other information or documents that relate to the matter.
- (2) You must submit your request for a fair hearing within forty-five calendar days of the date the VR counselor makes the decision with which you disagree.
- (3) You may ask any DVR employee for instructions or assistance to submit a request for a fair hearing.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0255, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0255, filed 12/20/02, effective 2/3/03.]

(4/23/07)

WAC 388-891-0260 After I submit a request for a fair hearing, when is it held? The office of administrative hearings holds a fair hearing within sixty days of receipt of your written request for a hearing, unless you or DVR ask for a later hearing date and the office of administrative hearings determines there is a reasonable cause for the delay.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0260, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0265 What is a prehearing meeting? After you submit a request for a fair hearing, DVR offers you a prehearing meeting. The prehearing meeting can be conducted in person, by telephone, or by another method agreeable to all parties. The purpose of the prehearing meeting is to:

- (1) Clarify the decision with which you disagree;
- (2) Exchange copies of laws, rules or other information to be presented in the fair hearing;
- (3) Explain how the fair hearing is conducted; and
- (4) Settle the disagreement, if possible.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0265, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0270 Do I receive a written fair hearing decision? The office of administrative hearings sends you a written report of the findings and decision within thirty days of the fair hearing.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0270, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0275 Is the fair hearing decision final? (1) The office of administrative hearings decision is final and DVR must implement the decision.

- (2) If you do not agree with the office of administrative hearings decision, you may pursue civil action through superior court to review that decision.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0275, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0295 Can DVR suspend, reduce or terminate my services if I request a fair hearing? DVR may not suspend, reduce, or terminate agreed upon services if you have requested a fair hearing, unless DVR provides evidence that you provided false information, committed fraud or other criminal acts involving VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0295, filed 12/20/02, effective 2/3/03.]

[Ch. 388-891 WAC p. 7]

PAYING FOR VR SERVICES

WAC 388-891-0300 Under what conditions does DVR provide and/or pay for vocational rehabilitation services to individuals? DVR provides and pays for VR services if:

- (1) You have completed the application requirements;
- (2) You have provided documents that verify your identity and legal work status;
- (3) DVR authorizes the services before the services begin;
- (4) The services are needed to:
 - (a) Determine your eligibility for services;
 - (b) Identify your vocational rehabilitation needs; and/or
 - (c) Help you get and/or keep a job.
- (5) The services to be provided, except services listed in WAC 388-891-0310, are not provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- (6) You have completed the financial statement, if required, and have agreed upon what portion, if any, you are required to for your VR services; and
- (7) The service provider meets all federal, state, and agency requirements for approval as a DVR service provider.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0300, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0310 What VR services are provided without determining whether services or benefits are available from another program or organization? DVR is not required to determine whether the following services or benefits can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits:

- (1) Assessment services to determine eligibility and/or VR needs;
- (2) Counseling and guidance, including information and referral;
- (3) Independent living services and evaluations provided by DVR staff;
- (4) Job placement and job retention services;
- (5) Rehabilitation technology services;
- (6) Post-employment services when providing the services listed in subsection (1) through (5) above.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0310, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0320 What if looking for services and benefits available from another program would delay or interrupt my progress toward achieving an employment outcome? (1) A DVR counselor may begin providing VR services without conducting a review to determine whether services or benefits can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits if the review would delay or interrupt:

(a) VR services to an individual determined to be at extreme medical risk, based on medical evidence provided by a qualified professional;

(b) An immediate job placement; or

(c) Your progress toward achieving the employment outcome identified on your individual plan for employment.

(2) If you receive VR services before services or benefits are available from another program, you begin using the services and benefits from the other program when they become available.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0320, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0325 Does DVR pay for a VR service if services and benefits are available from another program or organization, but I don't want to use them? Except for the services outlined in WAC 388-891-0310, DVR does not pay for services or benefits that can be provided to you or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits. If you choose not to apply for and use the services or benefits, you are responsible for the cost of the services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0325, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0330 Does DVR consider academic awards and scholarships based on merit as comparable benefits? DVR does not consider academic awards and scholarships based on merit as comparable benefits.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0330, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0330, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0340 How does DVR determine whether I must pay part of my VR services using my own financial resources? (1) To determine whether you are required to pay a portion of VR services using your own financial resources:

(a) You must complete a DVR financial statement to document your financial status, except for the services outlined in WAC 388-891-0365;

(b) You must provide copies of financial records requested by DVR to establish your financial status.

(2) Depending on your income tax filing status for the most recent tax year, you must provide financial information based on your own individual resources or based on your family resources.

(a) If your income tax status was reported as married filing jointly, married filing separately, or you were listed as a dependent of another person, complete the financial statement based on family resources.

(b) If your income tax status was reported as single, complete the financial statement based on your own financial resources.

(3) If you fail to report your financial status accurately or fail to provide the required information, DVR may deny or suspend services at any time in the rehabilitation process, except the services listed under WAC 388-891-0365.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0340, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0345 Do I have to pay a portion of my VR services if I receive assistance or income support from another public program? If you provide verification that you receive benefits from one of the following programs, you are not required to pay any portion of your VR services.

- (1) Department of social and health services (DSHS) income assistance;
- (2) Medicaid; or
- (3) Supplemental security income (SSI) or Social Security Disability Insurance (SSDI).

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0345, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0350 What financial information does DVR use to decide if I need to help pay for VR services?

(1) You complete a DVR financial statement to disclose the following information used to determine whether you must pay any part of the cost of VR services:

- (a) Income from all sources, assets, including but not limited to bank accounts, vehicles, personal property, stocks, bonds, and trusts; and
- (b) Living expenses, including household expenses, credit or loan payments, disability-related expenses and other financial obligations.

(2) If the results of the financial statement show that you do not have resources available to help pay for your VR services, DVR provides the services at no cost to you.

(3) If you decline to complete the financial statement or decline to contribute to the cost of VR services, DVR provides only those services listed under WAC 388-891-0365.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0350, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0355 How is the amount I pay for VR services determined? After completing the financial statement, you and a DVR counselor agree how to use the resources identified on the financial statement to help pay for VR services. The costs you agree to pay are documented on the individualized plan for employment (IPE). If your financial status changes, you are required to report the changes to your DVR counselor.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and

(4/23/07)

chapter 26.44 RCW. WSR 03-02-014, § 388-891-0355, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0360 What personal resources are not counted in the decision about whether I have to help pay for services? DVR does not count the following resources when deciding whether you need to help pay for DVR:

- (1) The value of your primary home and furnishings;
- (2) The value of items that you keep because of personal attachment, rather than because of monetary value;
- (3) The value of one vehicle per household member needed for work, school, or to participate in VR services;
- (4) Retirement, insurance, or trust accounts that do not pay a current benefit to you or your family;
- (5) If a retirement, insurance or trust account pays a current benefit, only the monthly benefit is counted as income and the balance of the account is excluded;
- (6) Up to five thousand dollars of your total assets are excluded as exempt;
- (7) Equipment or machinery used to produce income;
- (8) Livestock used to produce income; and
- (9) Disability-related items and/or services.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0360, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0360, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0365 What VR program services am I not required to help pay for? You are not required to pay any portion of the following VR services, regardless of your financial status:

- (1) Assessment services to determine eligibility or VR needs, including independent living evaluations;
- (2) Counseling and guidance services provided by DVR staff;
- (3) Information and referral services;
- (4) Interpreter and reader services;
- (5) Personal assistance services;
- (6) Job placement;
- (7) Job retention services;
- (8) Independent living services provided directly by DVR staff; and
- (9) Post-employment services that include any of the services in subsections (1) through (8) above.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0365, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0370 Can I select the services and service provider of my choice? (1) You may select VR services that you need to achieve an employment outcome that is consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(2) You may select the service provider of your choice if the service provider meets the following conditions:

- (a) DVR pays for services that meet your needs at the least cost possible.

(i) If two or more service providers or programs offer comparable services but differ in cost, and you choose the higher cost service or program, you are responsible for those costs in excess of the lower cost service. You can use resources other than DVR funds to pay the remaining cost.

(ii) DVR may pay for a service or program at a higher cost than another service or program if the costs are reasonably comparable.

(b) The service provider meets all federal, state, and DVR requirements for DVR approval.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0370, filed 12/20/02, effective 2/3/03.]

INFORMED CHOICE

WAC 388-891-0400 What is informed choice?

Informed choice is the process by which an individual receiving services from DVR makes decisions about VR goals and the VR services and service providers necessary to reach those goals. The decision-making process takes into account the individual's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions. Informed choice involves communicating clearly with an individual receiving VR services to assure the individual understands and uses pertinent information in the decision making process. The intent of informed choice is to ensure VR services are provided in a manner that promotes respect for individual dignity, personal responsibility, self-determination, and the pursuit of meaningful careers.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0400, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0410 How does DVR support the informed choice process? DVR supports the informed choice process by providing counseling and guidance, information and support to help you make choices that match your strengths, resources, priorities, concerns, abilities, capabilities, and interests, including:

- (1) Explaining what choices you can make throughout the rehabilitation process;
- (2) Assisting you to identify and get the information you need to explore the options available; and
- (3) Helping you understand and evaluate the options.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0410, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0420 What if I don't know how to use the informed choice decision making process? DVR explains how to use informed choice to make decisions about VR goals and services. If it is difficult for you to make informed choices, DVR can help you understand the options available and choose the one that meets your needs.

[Ch. 388-891 WAC p. 10]

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0420, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0430 What decisions can I make using informed choice? You have the right to make informed choices about VR goals and services throughout the rehabilitation process, including but not limited to:

(1) What assessment services and/or service provider(s) you will use to get the information necessary for DVR to determine eligibility and/or identify your VR needs;

(2) What to include on your individualized plan for employment (IPE), including:

(a) Type of employment outcome and setting;

(b) VR services needed to achieve the employment outcome;

(c) Service provider(s) that will provide the service and setting in which to receive the services; and

(d) Method(s) of arranging and paying for services, from the methods available to DVR under state law and agency policy.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0430, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0440 What information and assistance will DVR provide to help me make informed choices about VR services and service providers? To help you select the VR services you need to achieve an employment outcome and the service provider(s) to use, DVR will help you get the following information, to the extent the information is available and/or appropriate:

- (1) Cost, accessibility, and duration of services;
- (2) Consumer satisfaction with those services;
- (3) Qualifications of potential service providers;
- (4) Type(s) of services offered by each service provider;
- (5) Type of setting in which the services are provided, including whether the setting is integrated or nonintegrated; and
- (6) Outcomes achieved by others served by the service provider.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0440, filed 12/20/02, effective 2/3/03.]

ORDER OF SELECTION

WAC 388-891-0500 What happens if DVR cannot serve every eligible person? If DVR cannot serve all eligible individuals, because there are not enough funds or other resources, DVR must:

- (1) Establish a statewide waiting list for services;
- (2) Implement a process called order of selection that establishes the order in which DVR selects eligible individuals from the waiting list to begin receiving VR services; and
- (3) Provide you with information and guidance (which may include counseling and referral for job placement) about

(4/23/07)

other federal or state programs that offer services to help you meet your employment needs, if available.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0500, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0510 How are individuals selected for services when DVR is operating under an order of selection? When DVR is operating under an order of selection, individuals are selected for services as follows:

(1) At the time you are determined eligible for VR services, a DVR counselor establishes a priority for services category based on the severity of your disability.

(2) As resources become available for DVR to serve additional individuals, DVR selects names from the waiting list in the priority category being served at that time.

(3) The priority categories include:

(a) Priority category 1—Individuals with most severe disabilities;

(b) Priority category 2—Individuals with severe disabilities; and

(c) Priority category 3—Individuals with disabilities.

(4) Within a priority category, the date you applied for VR services determines the order in which you are selected from the waiting list.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0510, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0520 What are the criteria for priority category 1—Individuals with most severe disabilities? DVR determines you are in priority category 1—Individuals with most severe disabilities, if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

(1) You require two or more VR services over an extended period of time (twelve months or more); and

(2) You experience serious functional losses in four or more of the following areas in terms of an employment outcome:

- (a) Mobility;
- (b) Communication;
- (c) Self-care;
- (d) Cognition and learning (self-direction);
- (e) Interpersonal;
- (f) Work tolerance; or
- (g) Work skills.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0520, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0520, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0530 What are the criteria for priority category 2—Individuals with severe disabilities? DVR determines you are in priority category 2—Individuals with

(4/23/07)

severe disabilities if you are determined eligible for vocational rehabilitation services and you meet the following criteria:

(1) You require two or more VR services over an extended period of time (twelve months or more); and

(2) You experience serious functional losses in one to three of the following areas in terms of an employment outcome:

- (a) Mobility;
- (b) Communication;
- (c) Self-care;
- (d) Cognition and learning (self-direction);
- (e) Interpersonal;
- (f) Work tolerance; or
- (g) Work skills.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0530, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0530, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0540 What are the criteria for priority category 3—Individuals with disabilities? DVR determines you are in priority category 3—Individuals with disabilities if you are determined eligible for vocational rehabilitation services, but you do not meet the criteria for priority category 1 or priority category 2.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0540, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0540, filed 12/20/02, effective 2/3/03.]

VR SERVICES

WAC 388-891-0600 What vocational rehabilitation services are available to individuals from DVR? The following VR services are available to individuals from DVR:

- (1) Assessment services;
- (2) Independent living evaluation and services;
- (3) Information and referral services;
- (4) Interpreter services;
- (5) Job placement services;
- (6) Job retention services;
- (7) Maintenance services;
- (8) Occupational licenses;
- (9) Personal assistance services;
- (10) Physical and mental restoration services;
- (11) Rehabilitation technology services;
- (12) Self-employment services;
- (13) Services to family members;
- (14) Substantial counseling and guidance services;
- (15) Tools, equipment, initial stocks and supplies;
- (16) Training services;
- (17) Transition services;
- (18) Translation services;
- (19) Transportation services;

[Ch. 388-891 WAC p. 11]

- (20) Other services; and
- (21) Post-employment services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0600, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0605 What are assessment services?

Assessment services, including services provided in a trial work experience or extended evaluation, are provided to obtain information necessary to determine:

- (1) Whether you are eligible for VR services;
- (2) Severity of disability and priority category; and/or
- (3) The employment outcome and VR services to be included in an individualized plan for employment.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0605, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0610 What are independent living services and/or evaluation? Independent living services and/or evaluation includes services provided to:

- (1) Identify issues that present problems for you in achieving an employment outcome and services you need to address the issues.
- (2) Help you manage the services you need to live independently, get information about benefits available to you and about your rights and responsibilities.
- (3) Help you set personal goals, make decisions about life issues and employment, and help your family with issues related to your disability and independence.
- (4) Help you manage and balance your life in areas such as budgeting, meal preparation and nutrition, shopping, hygiene, time management, recreation, community resources, and attendant management.
- (5) Find out about housing resources and the qualifications, make decisions about the living arrangements and about changing to a more independent living arrangement.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0610, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0615 What are information and referral services? Information and referral services include information and guidance provided to help you explore employment services or benefits available to you from other programs, including other programs within the workforce development system.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0615, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0620 What are interpreter services?

Interpreter services include sign language or oral interpretation services for individuals who are deaf or hard of hearing,

[Ch. 388-891 WAC p. 12]

and tactile interpretation services for individuals who are deaf-blind.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0620, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0625 What are job placement services? Job placement means referral to a specific job that results in a job placement.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0625, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0630 What are job retention services?

Job retention means services provided after you have been placed in a job to help you achieve satisfactory performance and keep the job.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0630, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0635 What are maintenance services?

Maintenance includes monetary support for expenses such as food, shelter, or clothing that are in excess of your usual living expenses that you need to participate in another VR service. The following examples include, but are not limited to, the ways maintenance may be used:

- (1) A uniform or other suitable clothing required to look for or get a job;
- (2) Short-term lodging and meals required to participate in assessment or training services not within commuting distance of your home; and
- (3) A security deposit or utility hook-ups on housing you need to relocate for a job.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0635, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0640 What are occupational licenses?

Occupational licenses are licenses, permits, certificates or bonds showing you meet certain standards or have accomplished certain achievements and/or have paid dues, fees or otherwise qualify to engage in a business, a specific occupation or trade, or other work.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0640, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0645 What are personal assistance services? (1) Personal assistance services include a range of services provided by at least one person to help you perform daily living activities on or off the job that you would per-

(4/23/07)

form without assistance if you did not have a disability. Examples include, but are not limited to:

(a) Reader services for individuals who cannot read print because of blindness or other disability. In addition to reading aloud, reader services include transcription of printed information into Braille or sound recordings. Reader services are generally for people who are blind, but may also include individuals unable to read because of serious neurological disorders, specific learning disabilities, or other physical or mental impairments.

(b) Personal attendant services are personal services that an attendant performs for an individual with a disability, including, but not limited to, bathing, feeding, dressing, providing mobility and transportation.

(2) Personal assistance services are only provided in connection with one or more other VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0645, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0650 What are physical and mental restoration services? (1) Physical and mental restoration services are used to diagnose and treat physical and mental impairments.

(2) DVR provides physical and mental restoration services if your disabling condition is stable or slowly progressive and the service is expected to substantially modify, correct, or improve a physical or mental impairment that is a substantial impediment to employment for you within a reasonable length of time and financial support is not readily available from another source, such as health insurance.

(3) Physical and mental restoration services include:

(a) Corrective surgery or therapy;

(b) Diagnosis and treatment of mental or emotional disorders by qualified personnel who meet state licensing requirements;

(c) Dental treatment if the treatment is directly related to an employment outcome, or in emergency situations involving pain, acute infections, or injury;

(d) Nursing services;

(e) Hospitalization (in-patient or outpatient) in connection with surgery or treatment and clinic services;

(f) Drugs and supplies;

(g) Prosthetic and orthotic devices;

(h) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids;

(i) Podiatry;

(j) Physical therapy;

(k) Occupational therapy;

(l) Speech or hearing therapy;

(m) Mental health services;

(n) Treatment of acute or chronic medical conditions and emergencies that result from providing physical and mental restoration services, or that are related to the condition being treated;

(4/23/07)

(o) Special services for the treatment of end-stage renal disease; and

(p) Other medical or medically related rehabilitation services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0650, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0655 What are the medical treatments DVR does not pay for? DVR does not pay for the following medical treatments:

(1) Maintenance of your general health or fitness, including, but not limited to, vitamins, in-patient hospital based weight loss programs or for-profit weight loss programs, exercise programs, health spas, swim programs and athletic fitness clubs;

(2) Cosmetic procedures, such as facelifts, liposuction, cellulite removal;

(3) Maternity care;

(4) Hysterectomies, elective abortions, sterilization, and contraceptive services as independent procedures;

(5) Drugs not approved by the Federal Drug Administration for general use or by state law;

(6) Life support systems, services, and hospice care;

(7) Transgender services including surgery and medication management;

(8) Homeopathic and herbalist services, Christian Science practitioners or theological healers; and

(9) Treatment that is experimental, obsolete, investigational, or otherwise not established as effective medical treatment.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0655, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0660 What is rehabilitation technology? Rehabilitation technology includes the use of technology, engineering methods and sciences to design, develop, test, evaluate, apply and distribute technology to address problems faced by individuals with disabilities in functional areas such as mobility, communication, hearing, vision and cognition. Rehabilitation technology includes:

(1) Assistive technology devices, equipment, or products used to increase, maintain, or improve the functional capabilities of an individual with a disability including, but not limited to:

(a) Telecommunications devices;

(b) Sensory aids and devices, including hearing aids, telephone amplifiers and other hearing devices, captioned videos, taped text, Brailled and large print materials, electronic formats, graphics, simple language materials, and other special visual aids;

(c) Vehicle modifications; and

(d) Computer and computer-related hardware and software that is provided to address a disability-related limitation.

(2) Services that assist you in the selection, acquisition, or use of an assistive technology device, including services to:

(a) Evaluate your needs in performing activities in your daily environment;

(b) Select, design, fit, customize, adapt, apply, maintain, repair, or replace an assistive technology device;

(c) Coordinate and use other therapies or services with assistive technology devices, such as education and rehabilitation plans and programs;

(d) Train or give technical assistance to professionals, employers, family members or others who provide services to you, hire you, or are involved in your major life activities.

(3) Real time captioning services;

(4) A written policy, plan, guarantee or warranty (initial or extended) that covers the cost to repair or replace an assistive technology device, a piece of equipment, or another assistive technology product if it is lost or damaged.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0660, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0665 Under what conditions does DVR provide vehicle modifications as a rehabilitation technology service? DVR provides vehicle modifications under the following conditions:

(1) DVR does not have a question about your driving safety as outlined in WAC 388-891-0775.

(2) The DVR counselor has determined based on disability-related documentation that your disability is stable or slowly progressive and not likely to impair your driving ability in the future, if you plan to drive the vehicle.

(3) You have provided documentation verifying that you and/or a family member is the registered and/or legal owner of the vehicle.

(4) You have provided a copy of a current driver's license and vehicle license with required endorsements for you and/or family member(s) who will operate the vehicle.

(5) If a used vehicle is to be modified, you have provided documentation of an inspection from a certified or journey level auto mechanic that verifies the vehicle is in good condition and capable of being modified.

(6) DVR has obtained documentation from a specialist in evaluation and modification of vehicles for individuals with disabilities that prescribes and inspects the modification, except prescriptions are not required for:

(a) Placement of a wheelchair lift, ramp, or scooter lift and tie downs for passenger access only;

(b) Replacement of hand controls;

(c) Wheelchair carriers; and

(d) Other minor driving aids.

(7) You have provided documentation of vehicle insurance adequate to cover the cost of replacement for loss or damage, including the cost of the modification.

(8) You have demonstrated or provided documentation that verifies you and/or family member(s) designated as a driver can safely operate the vehicle as modified.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters

74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0665, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0670 What types of insurance can DVR pay for? (1) DVR may pay for insurance for assistive technology devices, equipment and products.

(2) DVR does not pay for other types of insurance including, but not limited to, health, vehicle, home, and life insurance.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0670, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0675 What types of assistive technology insurance can DVR pay for? DVR may pay for insurance for assistive technology devices, equipment, and products which covers the cost to repair or replace them if they are lost or damaged if:

(1) The individual with a disability is the holder of the device, equipment or product and is the named insured under the policy; and

(2) The insurer pays for replacement or repair directly to the manufacturer or service provider.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0675, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0680 What types of assistive technology warranties can DVR pay for? (1) DVR may pay for an initial warranty for an assistive technology device, piece of equipment, or product for a specified period of time following the date of purchase if the warranty is available at the time of purchase by the manufacturer. An initial warranty may guarantee repair and/or replacement of parts or the entire device, equipment, or product when the parts and/or workmanship are faulty.

(2) DVR may pay for an initial warranty or for a warranty that extends beyond the period of coverage of an initial warranty for an assistive technology device, piece of equipment, or product if:

(a) The individual with a disability is the holder of the device, equipment, or product;

(b) The manufacturer provides a written guarantee for the materials and workmanship of the device, equipment, or product; and

(c) The manufacturer replaces or repairs faulty parts and workmanship or replaces the device, equipment, or product in whole or the manufacturer directly pays a service provider to repair or replace parts and workmanship or the device, equipment, or product in whole.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0680, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0685 What are self-employment services? Self-employment services include consultation and technical assistance to help you establish a small business to become self-employed and equipment, tools, initial stocks and supplies. Before a DVR counselor agrees to an IPE that includes a self-employment outcome, you must complete assessment services, including the development of a business plan that demonstrates that the self-employment you are considering is feasible, sustainable, and results in an employment outcome. DVR does not support hobbies or activities that do not result in an income-producing self-employment outcome.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0685, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0690 What vocational rehabilitation services can DVR provide to my family member(s)? Vocational rehabilitation services may be provided to a family member if the services are necessary for you to achieve an employment outcome. A family member includes a relative or guardian of an applicant or eligible individual or an individual who lives in the same household as the applicant or eligible individual and has a substantial interest in her or his well being.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0690, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0695 What types of child care does DVR provide to my family members? (1) DVR pays for the following types of licensed child care and child care exempt from licensing in conformance with DSHS licensing or certification requirements and background check requirements:

- (a) Child day care centers;
- (b) Family child day care homes; and
- (c) School-age child care centers.

(2) DVR pays for in-home or relative child care including:

- (a) Child care provided to your child(ren) in your home by a relative or other person; and
- (b) Child care provided to your child(ren) by a relative outside of your home.

(3) To be authorized as an in-home/relative child care provider for DVR payment, your in-home or relative child care provider must comply with background check requirements outlined in chapter 388-290 WAC.

(4) DVR pays for child care in states bordering Washington if the child care provider meet their state's licensing regulations.

(5) DVR pays the child care provider's usual rates for child care services directly to the child care provider.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0695, filed 12/20/02, effective 2/3/03.]

(4/23/07)

WAC 388-891-0700 What is substantial counseling and guidance? Substantial counseling and guidance includes intensive counseling and guidance provided by a DVR counselor throughout the rehabilitation process to help you address medical, family or social issues, vocational counseling, or other counseling and guidance that is over and above the usual counseling and guidance relationship. Substantial counseling and guidance services include counseling and guidance to support a self-directed job search.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0700, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0705 What are tools, equipment, initial stocks and supplies? Tools, equipment, initial stocks and supplies are materials and hardware required to carry out the duties of a job.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0705, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0710 What are training services? Training services are designed to help you gain knowledge, skills and abilities needed to achieve an employment outcome. Training services, include, but are not limited to:

- (1) On-the-job training;
- (2) Post-secondary training;
- (3) Technical or vocational training;
- (4) Basic education/literacy training;
- (5) Community rehabilitation program (CRP) training;
- (6) Other miscellaneous training.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0710, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0715 What is on-the-job training? On-the-job training is training an employer provides to you after you are placed in a job to help you learn the skills you need. The employer must sign an agreement to include at a minimum:

- (1) Training to be provided, including skills to be learned and training methods;
- (2) Duration or number of hours of training to be provided;
- (3) How the employer will evaluate and report your progress to DVR;
- (4) An agreed-upon fee based on the employer's costs to provide the training; and
- (5) Payment criteria.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0715, filed 12/20/02, effective 2/3/03.]

[Ch. 388-891 WAC p. 15]

WAC 388-891-0720 What is post-secondary training? Post-secondary training means academic training above the high school level leading to a degree, an academic certificate, or other recognized educational credential. Post-secondary training is provided by a college or university, community college, junior college or technical college.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0720, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0725 What is technical or vocational training? Technical or vocational training includes occupational, vocational or specific job skill training, not leading to an academic degree, provided by a community college, business school, vocational, technical or trade school to prepare for work in a specific occupation.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0725, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0730 What is basic education/literacy training? Basic education/literacy training teaches basic academic skills, including how to read.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0730, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0735 What is community rehabilitation program (CRP) training? Community rehabilitation program (CRP) training is training to prepare an individual for work, such as developing appropriate work habits and behaviors, getting to work on time, dressing appropriately, and/or skills to increase productivity.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0735, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0740 What other training does DVR provide? DVR provides other miscellaneous training services that are not identified in another section, such as high school completion, speech reading or sign language training, cognitive training and tutoring.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0740, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0745 What conditions apply to receiving training services at an institution of higher education?

(1) Training at an institution of higher education (universities, colleges, community or junior colleges, vocational schools, technical institutes, or hospital schools of nursing) is provided only after you and a DVR counselor have made maximum efforts to get and use available grant funding from

[Ch. 388-891 WAC p. 16]

other sources to pay for costs related to attendance. Grant funding does not include student loans.

(2) You must provide DVR a copy of your grant funding award or denial form, statement of unmet need and/or student budget, and other related documentation.

(3) If an academic institution charges a fee to cover the cost of a student health clinic and the fee is required as a condition of registration, DVR may pay this fee.

(4) If an academic institution charges a liability fee to cover the costs of a student to register in high-risk courses/practicum and the fee is required as a condition of registration, DVR may pay this fee.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0745, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0750 Can I receive training services from a private school, an out-of-state training agency or an out-of-state college? If you choose training services at a private or out-of-state program when an in-state or public program is available and adequate to meet your needs, you are responsible for costs that are in excess of the public or in-state program costs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0750, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0755 What are transition services? (1) Transition services are work-related activities you begin while you are in high school that are coordinated with VR services to help you prepare for and go to work in the community after you leave high school.

(2) Transition services may include any of the VR services listed under WAC 388-891-0600.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0755, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0760 What are translation services? Translation services include oral and written translation of English into the primary language of an applicant or eligible individual.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0760, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0765 What are transportation services? Transportation services include travel and related expenses necessary for you to participate in VR services, such as a bus pass, reimbursement for gasoline, purchase or repair of a vehicle.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and

(4/23/07)

chapter 26.44 RCW. WSR 03-02-014, § 388-891-0765, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0770 Under what conditions does DVR provide a vehicle? (1) DVR provides a vehicle as a transportation service only in exceptional circumstances to support another VR service on the IPE and must be approved by the director or his or her designee.

(2) A vehicle issued to you remains the property of DVR until you achieve an employment outcome that requires the vehicle and you maintain the employment for at least ninety days.

(3) The director or his or her designee approves the purchase of a vehicle only if:

(a) A DVR counselor determines, based on disability-related documentation that your disability is stable or slowly progressive, and is not likely to impair your ability to drive in the future;

(b) You and a DVR counselor agree it is a necessary service under your individualized plan for employment (IPE) because:

(i) No other transportation options are available and it is not feasible for you to relocate to live closer to employment or other transportation options; or

(ii) A vehicle is required as a condition of employment.

(c) You do not have a vehicle or your vehicle cannot be modified or repaired to the extent that you can drive it.

(4) Prior to issuing a vehicle to you, you must submit the following documents to DVR and you must agree to provide ongoing verification upon request of a DVR counselor:

(a) A copy of your current, valid driver's license;

(b) A copy of your driving record disclosing any moving violations and indicating no criminal convictions related to driving a vehicle;

(c) A copy of your motor vehicle insurance coverage with the following minimum coverage and conditions:

(i) Liability in the amount of fifty thousand dollars/one hundred thousand dollars/fifty thousand dollars;

(ii) Uninsured motorist in the amount of fifty thousand dollars/one hundred thousand dollars/fifty thousand dollars;

(iii) Personal injury in the amount of one hundred thousand dollars;

(iv) Replacement cost of the vehicle, including special equipment and modifications, if applicable;

(v) DVR is listed as the lien holder; and

(vi) All drivers who use the vehicle are listed on the policy.

(d) You have signed a written agreement with your DVR counselor that outlines how you will pay for vehicle maintenance and repair, as this is a requirement for subsequent ownership of the vehicle;

(e) You have signed an agreement to return the vehicle to DVR upon request as long as DVR owns the vehicle.

(5) Before DVR transfers ownership of a vehicle to you, you must submit documentation to verify:

(a) You are the registered owner of the vehicle;

(b) The vehicle is insured to cover the cost of replacement for loss or damage at the time ownership is transferred.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and

(4/23/07)

chapter 26.44 RCW. WSR 03-02-014, § 388-891-0770, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0775 What happens if DVR has a question about my driving safety? (1) DVR does not provide services to facilitate your driving or that of a driver using your vehicle if:

(a) Either you or the driver are uninsured; or

(b) DVR is aware of any fact which raises a question regarding driving safety.

(2) Services to facilitate your driving include, but are not limited to, vehicle modifications provided as a rehabilitation technology service, car repairs, gasoline money, driver license, and license tabs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0775, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0780 What other services does DVR provide? DVR can provide other services not identified in this chapter when the service is needed for you to achieve an employment outcome.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0780, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0790 What are post-employment services? Post-employment services include one or more vocational rehabilitation services provided if:

(1) Your case was closed within the past three years because you achieved an employment outcome;

(2) Your rehabilitation needs are limited in scope and duration;

(3) You need post-employment services to maintain, regain or advance in employment that is consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0790, filed 12/20/02, effective 2/3/03.]

SUPPORTED EMPLOYMENT

WAC 388-891-0800 What is supported employment?

(1) Supported employment is:

(a) Competitive work; or

(b) Work in an integrated setting while you work toward competitive work consistent with your strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; or

(c) Transitional employment for an individual with a most severe disability due to chronic mental illness.

(2) Supported employment is for an individual with a most severe disability who:

(a) Has not traditionally worked in competitive employment; or

(b) Has worked in competitive employment, but the disability has caused the individual to stop working, or work off and on; and

(c) Needs intensive supported employment services and extended services to work because of the nature and severity of the disability.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0800, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0810 Who is eligible for supported employment? You are eligible for supported employment services if:

(1) You are eligible for vocational rehabilitation services under WAC 388-891-1000;

(2) You have been determined to be an individual with a most severe disability; and

(3) Supported employment is appropriate for you based on a comprehensive assessment of your needs, including an evaluation of your rehabilitation, career and job needs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0810, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0815 Who decides if I am eligible for supported employment? DVR decides if you are eligible for supported employment services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0815, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0820 What is competitive work in supported employment? Competitive work, as used in supported employment, is:

(1) Work in the competitive labor market that you perform on a full-time or part-time basis in an integrated setting; and

(2) Work for which you are paid at or above the minimum wage, but not less than the usual wage your employer pays to nondisabled employees who do the same or similar work as you.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0820, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0825 What is an integrated setting in supported employment? An integrated setting in supported employment is a work setting commonly found in the community in which you interact with nondisabled people to the same extent that a nondisabled person in the same type of job interacts with other persons.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and

[Ch. 388-891 WAC p. 18]

chapter 26.44 RCW. WSR 03-02-014, § 388-891-0825, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0830 Is my work setting integrated if my interactions at the work site are with nondisabled supported employment service providers? Interactions at your work site between you and a nondisabled supported employment service provider do not meet the requirement for an integrated setting.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0830, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0835 What is transitional employment? Transitional employment is a supported employment work model using a series of consecutive jobs in competitive employment for individuals with the most severe disabilities due to mental illness. In transitional employment, ongoing support services must include continuing sequential job placement until job permanency is achieved.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0835, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0840 What are supported employment services? Supported employment services are:

(1) Ongoing support services as described in WAC 388-891-0845; and

(2) Vocational rehabilitation services listed in WAC 388-891-0600.

(3) These services may be provided to you:

(a) As part of your individualized plan for employment;

(b) To support and maintain you in supported employment;

(c) For a period of time not to exceed eighteen months, unless under special circumstances, you and the VR counselor jointly agree to extend the time in order to achieve the employment goals in your rehabilitation plan for employment. This eighteen month period begins from job placement until transition to extended services.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0840, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0840, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0845 What are ongoing support services? Ongoing support is a type of supported employment service to help you get and keep a job. Ongoing support services include:

(1) An assessment of your employment situation at least twice a month, or under special circumstances and especially at your request, an assessment regarding your employment situation that takes place away from your worksite at least twice a month to:

(4/23/07)

(a) Determine what is needed to maintain job stability; and

(b) Coordinate services or provide specific intensive services that are needed at or away from your worksite to help you maintain job stability.

(2) Intensive job skill training for you at your job site by skilled job trainers;

(3) Job development, job placement and job retention services;

(4) Social skills training;

(5) Regular observation or supervision;

(6) Follow-up services such as regular contact with your employer, you, your representatives, and other appropriate individuals to help strengthen and stabilize the job placement;

(7) Facilitation of natural supports at the worksite;

(8) Other services similar to services described in subsection (1) through (7) above; and

(9) Any other vocational rehabilitation service.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0845, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0850 What are extended services?

Extended services help you keep your job after DVR stops providing or paying for supported employment services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0850, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0855 Does DVR provide extended services? DVR does not provide extended services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0855, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0860 Who provides the extended services I need? Extended services are provided by nonprofit private organizations such as community rehabilitation programs, state and local public agencies, employers, or any other appropriate resources.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0860, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0865 What is natural support? Natural support is a method used to help you keep your job after DVR stops providing supported employment services. Natural support uses the people who you ordinarily come into contact with at work and/or at home to help you with work routines and social interactions at the worksite.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and

(4/23/07)

chapter 26.44 RCW. WSR 03-02-014, § 388-891-0865, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0875 What is required for me to change from supported employment services to extended services? Prior to helping you change from supported employment services to extended services, a DVR counselor must ensure the following:

(1) You have made substantial progress toward meeting the number of work hours per week you want to work as documented on your individualized plan for employment;

(2) You are stabilized in the job; and

(3) Extended services are readily available and can be provided to you without an interruption in services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0875, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0880 What if my counselor and I cannot secure a source of extended services or natural supports? If a DVR counselor determines that you require supported employment and has explored all available options for securing resources for extended services or natural supports and there is no reasonable expectation these services will become available, DVR must close your case service record.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-0880, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0880, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0885 Under what conditions does DVR close my case service record for supported employment? If you have achieved a supported employment outcome, DVR must wait at least ninety days after helping you change from supported employment services to extended services before closing your case service record.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0885, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0890 Under what conditions does DVR provide supported employment services as post-employment services? DVR provides supported employment services to you as post-employment services following the change from supported employment services to extended services if:

(1) Your extended service provider cannot provide the services; and

(2) You need such services as job station redesign, repair and maintenance of assistive technology devices and replacement of prosthetic and orthotic devices to keep your job.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0890, filed 12/20/02, effective 2/3/03.]

APPLYING FOR VR SERVICES

WAC 388-891-0900 Who can apply for vocational rehabilitation services? Any individual who intends to achieve an employment outcome may apply for VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0900, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0910 Am I required to provide proof of my identity and work status? Before DVR pays for VR services, including assessment services, you must provide copies of documents requested by DVR that verify your identity and, if you are not a United States citizen, your legal work status.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0910, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0920 If I don't live in Washington, can I receive VR services? The state in which you live has the primary responsibility to provide VR services to you. If you are not a resident of Washington state, you may receive VR services if you maintain a home, are registered to vote, or are otherwise present in the state.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0920, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0930 Can I receive VR services if I am legally blind? The Washington state department of services for the blind, under an agreement with DVR, is the primary agency responsible for providing vocational rehabilitation services to individuals who are blind or have a visual impairment resulting in an impediment to employment. DSB and DVR may coordinate to provide joint services if you would benefit from such coordination.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0930, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0940 Can I receive VR services if I am Native American? DVR serves eligible Native Americans, including Native Americans who belong to an Indian tribe. If you live on an Indian reservation that operates a vocational rehabilitation program, you may apply for VR services from the tribe or from DVR, or from both agencies.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0940, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0950 How do I contact DVR if I don't speak English? If you don't speak English, you may request

[Ch. 388-891 WAC p. 20]

another type of communication to enable you to meet with DVR. DVR arranges and pays for services you need to communicate with DVR to apply for or receive VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0950, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0960 What other methods of communication does DVR use? DVR uses equipment, devices or other services you need to understand and respond to information. Methods DVR can use to communicate with you include, but are not limited to, the use of:

- (1) Interpreters;
- (2) Readers;
- (3) Captioned videos;
- (4) Telecommunications devices and services;
- (5) Taped text;
- (6) Braille and large print materials; and
- (7) Electronic formats.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0960, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0970 Does DVR translate written communication for people who don't speak English? (1) DVR translates the following written communication into the primary language of an applicant or eligible individual:

- (a) Application for VR services;
- (b) Notification of eligibility or ineligibility;
- (c) Plan for employment;
- (d) Notification of case closure;
- (e) Notification of annual review, if appropriate; and
- (f) Any notice requiring a response or a signature from the individual to continue receiving services.

(2) DVR translates the Washington Administrative Code (WAC) regarding VR services or service providers into the primary language of an applicant or eligible individual upon his or her request.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0970, filed 12/20/02, effective 2/3/03.]

WAC 388-891-0980 How do I apply for VR services? You have completed the application requirements when you:

- (1) Have provided information needed to begin an assessment of eligibility and VR needs.
- (2) Are available to participate in assessment services necessary to determine if you are eligible for VR services.
- (3) Have signed an application form provided by DVR or provided a written request that includes the following information:
 - (a) Your name, address and county;
 - (b) The nature of your disability;
 - (c) Your birth date and gender;
 - (d) The date of application; and
 - (e) Your Social Security number (optional).

(4/23/07)

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-0980, filed 12/20/02, effective 2/3/03.]

ELIGIBILITY

WAC 388-891-1000 Who is eligible to receive VR services? You are eligible for VR services if a DVR counselor determines that you meet all of the following criteria:

- (1) You have a physical, mental, or sensory impairment that results in a substantial impediment to employment;
- (2) You require VR services to prepare for, get or keep a job that matches your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice; and
- (3) You are capable of working as a result of receiving VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1000, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1005 How does DVR determine if I am eligible? (1) A DVR counselor reviews and assesses information and records about the current status of your disability and determines whether you meet the eligibility requirements outlined in WAC 388-891-1000. A DVR counselor bases the determination on observations, education records, medical records, information provided by you or your family, and information provided by other agencies or professionals.

- (a) If information or records are not current, not available, or not sufficient for a DVR Counselor to determine if you are eligible, DVR provides the assessment services necessary to get the information needed to make a decision.
- (b) VR services used to collect additional information and records to determine eligibility can include trial work, assistive technology, personal assistant services, or any other support services necessary to determine if you are eligible.
- (c) DVR assists you to make informed choices in the decisions related to assessment services needed to make an eligibility determination.
- (d) If you refuse to provide or consent to the release of records or if you refuse to participate in VR services necessary to obtain information required to make an eligibility determination your VR case service record is closed.

(2) If you receive Social Security benefits under Title II or Title XVI of the Social Security Act and you are capable of working after receiving VR services, DVR determines you are eligible upon verification of benefits.

(a) If you cannot provide appropriate evidence, such as an award letter or other type of verification, DVR may request the verification for you, with your consent.

(b) DVR makes maximum efforts to obtain the verification in a reasonable period of time and to determine eligibility within sixty days from the date you complete the application requirements.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters

(4/23/07)

74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1005, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1010 After I submit my application to DVR, how long does it take DVR to make an eligibility decision? (1) DVR makes an eligibility decision as soon as enough information is available, but no longer than sixty days after you complete the application requirements.

(2) If DVR does not have enough information to determine your eligibility within sixty days, you and a DVR counselor must agree to:

- (a) Extend the eligibility period to collect additional information or records; or
- (b) Conduct a trial work experience or extended evaluation, if a DVR counselor is not certain whether VR services will enable you to achieve an employment outcome because of the severity of your disability

(3) If you do not agree to extend the eligibility period, DVR must close your case service record.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1010, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1015 What if a DVR counselor cannot presume that I am capable of working as a result of receiving VR services because of the severity of my disability? If a DVR counselor cannot presume VR services will enable you to achieve an employment outcome because of the severity of your disability, DVR will assess your ability to perform work using a trial work experience or an extended evaluation. The DVR counselor will evaluate the results of the trial work experience or extended evaluation to determine whether you can work as a result of receiving VR services and whether you are eligible for VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1015, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1020 Am I eligible for VR services if I receive Social Security disability benefits? If you receive disability benefits under Title II or XVI of the Social Security Act (SSI or SSDI), DVR presumes that you are an eligible individual.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1020, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1025 What criteria are not considered in the eligibility decision? In making an eligibility decision, DVR does not consider your:

- (1) Type of disability;
- (2) Age, gender, race, color, creed, religion, national origin, or sexual orientation;
- (3) Rehabilitation needs;
- (4) Type of employment outcome you expect to achieve;
- (5) Source of referral;

[Ch. 388-891 WAC p. 21]

- (6) Anticipated cost of services;
- (7) Income.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1025, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1030 What is involved in a trial work experience? (1) During a trial work experience, you perform in a realistic work situation with appropriate VR services and/or supports to address your rehabilitation needs, such as supported employment, on-the-job training, assistive technology or personal assistant services. A DVR counselor develops a written plan describing the VR services to be used in the trial work experience.

(2) You participate in one or more trial work experiences over a period of time necessary to produce clear and convincing evidence for a DVR counselor to determine:

- (a) You can benefit from VR services and achieve an employment outcome and are eligible for VR services; or
- (b) You cannot benefit from VR services and achieve an employment outcome because of the severity of your disability and you are ineligible for VR services.

(3) Trial work experiences occur in the most integrated setting possible, based on your informed choice and rehabilitation needs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1030, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1035 What if I cannot participate in a trial work experience? If you cannot participate in a trial work experience or if DVR has exhausted efforts to arrange a trial work experience, DVR conducts an extended evaluation to obtain the information necessary to determine whether you are eligible for VR services or to enable you to participate in a trial work experience.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1035, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1040 What is an extended evaluation? An extended evaluation involves one or more VR services designed to assess whether you are capable of working as a result of receiving VR services. A DVR counselor develops a written plan outlining the VR services to be used during the extended evaluation. Only those services necessary to make an eligibility determination are provided. VR services are provided in the most integrated setting possible, based on your informed choice and rehabilitation needs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1040, filed 12/20/02, effective 2/3/03.]

[Ch. 388-891 WAC p. 22]

WAC 388-891-1045 What happens if DVR determines that I am not eligible or no longer eligible for VR services? (1) Before determining that you are not eligible for VR services or that you are no longer eligible for VR services, a DVR counselor consults with you and gives you an opportunity to discuss the decision.

(2) DVR sends you a notice in writing, or using another method of communication, if needed. The notice includes:

- (a) An explanation of the reason(s) you are not eligible or no longer eligible;
- (b) Your rights to appeal the decision; and
- (c) An explanation of the services available from the client assistance program.

(3) If you are ineligible based on a determination that you cannot achieve employment because of the severity of your disability, DVR reviews the decision within twelve months.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1045, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1050 If I am not eligible for VR services, can DVR help me find other services and programs to meet my needs? If DVR determines that you are not eligible for VR services, DVR provides you with information and refers you to other agencies or organizations that may provide services to meet your employment-related needs. This may include a referral to community rehabilitation programs offering extended employment (sheltered work) if you are determined ineligible based on a determination that you are too severely disabled to achieve employment as a result of receiving VR services.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1050, filed 12/20/02, effective 2/3/03.]

IPE DEVELOPMENT

WAC 388-891-1100 What is an assessment for determining vocational rehabilitation needs? Each person determined eligible for VR services completes an assessment of VR needs that may include:

(1) An assessment for determining vocational rehabilitation needs includes a variety of services, including counseling and guidance, to determine your unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(2) The purpose of the comprehensive assessment is to collect and review information you need to select the type of employment outcome to achieve and the VR services you need to achieve the employment outcome.

(3) The comprehensive assessment is limited to services necessary to select an employment outcome and to develop a plan for employment.

(4) DVR uses existing information gathered to determine eligibility, including information provided by you and your family, to the maximum extent possible and appropriate.

(4/23/07)

(5) The comprehensive assessment may include, as needed:

(a) An assessment of the personality, interests, interpersonal skills, intelligence and related functional abilities, educational abilities, work experience, vocational aptitudes, personal and social adjustments, employment opportunities, and other vocational, educational, cultural, social, recreational, and environmental factors that affect your employment and rehabilitation needs.

(b) Work in real job situations to evaluate and/or develop work behavior and capacities necessary to achieve an employment outcome, including work skills, attitudes, habits, tolerances and social behavior.

(c) Referral for assistive technology services to assess whether services or devices could increase your ability to perform work.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1100, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1105 Do I have to disclose criminal history information to DVR? (1) You must disclose information to DVR before you develop a plan for employment about conditions or circumstances, such as a criminal record, identity and work status, that restrict the type of employment you can legally perform.

(2) If you select an employment outcome in a field that customarily requires a background check as a condition of employment, DVR must obtain a criminal history background check that verifies you are not excluded from employment in the field and/or specific job prior to IPE development.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1105, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1110 What other assessments might be required? (1) If you have a documented history of violent or predatory behavior that reasonably leads a DVR counselor to believe you may be a threat to yourself or others, you must participate in VR services necessary to determine the level of risk.

(2) If a VR counselor determines, based on an assessment conducted by a qualified professional, that your employment may pose a threat to the safety of you or others because you meet the conditions outlined in WAC 388-891-0110, the employment outcome and employment setting you choose must be evaluated for risk by an appropriate qualified professional.

(3) If a VR counselor becomes aware of a condition or circumstance after you have developed an IPE that may affect your ability to achieve an employment outcome, the VR counselor may conduct necessary assessment services to determine whether you are capable of achieving the employment outcome identified on your IPE.

(4) If you decline to authorize the release of information to DVR or participate in VR services necessary to collect pertinent information which prevents the development of an

appropriate IPE, the VR counselor may close your case service record.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1110, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1115 What is an individualized plan for employment (IPE)? An individualized plan for employment (IPE) is a DVR form that documents important decisions you and a VR counselor make about vocational rehabilitation services. The decisions documented on the IPE include, but are not limited to:

- (1) The employment outcome you plan to achieve;
- (2) Each major step you need to accomplish to reach the employment outcome;
- (3) Your responsibilities in accomplishing each step of the plan;
- (4) DVR's responsibilities in assisting you to accomplish each step of the plan;
- (5) VR services needed to complete each step;
- (6) Terms and conditions you and your VR counselor agree are required for continued support from DVR.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1115, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1120 Who develops an IPE? Each eligible individual develops an IPE, unless DVR is operating under an order of selection. If DVR is operating under an order of selection, each eligible individual in the priority category being served develops an IPE.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1120, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1125 What information does DVR provide to help me develop my IPE? DVR provides the following information to help you develop an IPE:

- (1) Information about the options available for developing an IPE.
- (2) Information that must be included in the IPE.
- (3) Financial conditions or restrictions that apply to an IPE.
- (4) How to get help completing forms required by DVR.
- (5) Information about your rights if you disagree with a decision a DVR counselor makes relating to the IPE.
- (6) Information about the client assistance program (CAP) and how to contact the program.
- (7) Other information you request.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1125, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1130 What are the options for developing an IPE? (1) You may develop an individualized plan for employment (IPE) with support and assistance from:

- (a) A VR counselor employed by DVR.
- (b) A VR counselor not employed by DVR, but who meets the minimum qualifications for a VR counselor established by DVR.

(c) Another person you choose, such as a representative, family member, advocate, or other individual.

(2) If you choose to develop the IPE with someone other than a DVR counselor, DVR can help you identify individuals that may help you develop your IPE, to the extent resources are available.

(3) You may develop an IPE on your own.

(4) DVR does not pay for any related costs or fees charged by other parties to develop an IPE.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1130, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1135 Does DVR support any job I choose? (1) The employment outcome you choose must be consistent with the information and results of the assessment of your VR needs.

(2) DVR supports an individual to achieve an employment outcome as defined in WAC 388-891-0010. If you choose another type of employment, DVR refers you to other programs or organizations that offer the type of employment you choose, when available.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1135, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1137 What if the employment goal I choose is religious in nature? DVR is prohibited from supporting education or training for an employment goal that is religious in nature under the Washington State Constitution, Article 1, Subsection 11.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-1137, filed 4/23/07, effective 6/15/07.]

WAC 388-891-1140 What must be included on the IPE form? An IPE must include:

(1) An employment outcome that is consistent with the definition of employment outcome in WAC 388-891-0010;

(2) The VR services you need to achieve the employment outcome;

(3) Timeline for each service on your IPE and for achieving the employment outcome;

(4) The name of the person or organization selected to provide each service included on the IPE and how you will obtain the services;

(5) Criteria you will use to evaluate whether you are making progress toward achieving the employment outcome;

(6) Terms and conditions, including:

(a) A description of what DVR has agreed to do to support your IPE; and

[Ch. 388-891 WAC p. 24]

(b) A description of what you have agreed to do to reach your employment outcome, including:

(i) Steps you will take to achieve your employment goal;

(ii) Services you agree to help pay for, and how much you agree to pay; and

(iii) Services you agree to apply for and use that are available to you at no cost from another program.

(7) Expected need for post-employment services prior to closing the case service record and, if appropriate, a statement of how post employment services are arranged using comparable services and benefits;

(8) An IPE that includes a supported employment outcome must also document:

(a) Supported employment services to be provided;

(b) Extended services or natural supports that are likely to be needed;

(c) Who will provide and pay for natural supports or extended services. If it is not known who will provide and/or pay for extended services or natural supports at the time the IPE is developed, the IPE must include a statement explaining the basis for determining that a resource is likely to become available;

(d) A goal for the number of hours per week you are going to work and a plan to monitor your progress toward meeting the goal;

(e) A description of how the services on your IPE are coordinated with other federal or state services you get under an individualized plan;

(f) If job skills training is provided, the IPE must reflect that the training is provided on-site;

(g) Placement in an integrated setting for the maximum number of hours possible based on your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

(9) An IPE for a high school student who is receiving special education services is coordinated with the individualized education plan in terms of the goals, objectives, and services identified to the extent possible.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1140, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1145 When does the IPE become effective? The IPE becomes effective when it is signed by you and a DVR counselor. DVR gives you a copy of the signed IPE, in writing or in another method of communication, if needed.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1145, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1150 Is the IPE reviewed and updated? You and a qualified VR counselor review the IPE at least once a year, or more often if needed, to assess your progress in achieving an employment outcome. You and a VR counselor amend the IPE if there are major changes in the employment goal, VR services, or service provider(s).

(4/23/07)

Changes to an IPE take effect when you and a DVR counselor sign the amended IPE.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1150, filed 12/20/02, effective 2/3/03.]

LOANING EQUIPMENT

WAC 388-891-1200 Under what conditions does DVR loan equipment, devices or other items to me? If you need a device, tool, piece of equipment or other item to participate in VR services or to go to work, DVR loans a new or used item to you until you achieve an employment outcome. DVR loans a used item from the DVR inventory if available at the time needed and DVR determines it is adequate to meet your needs.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1200, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1210 What if I need an item customized for my own personal needs? A DVR counselor determines whether to loan or issue a device, tool, piece of equipment or other item based on the reasonable likelihood that the item could be used by another individual if returned to DVR. If the DVR counselor determines an item could not be used by another individual if it were returned to DVR, the DVR counselor may issue the item directly to you without a loan agreement and the item is owned by you at the time of issue.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1210, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1220 What conditions apply to the use of a device, tool, piece of equipment or other item that is loaned to me? Before DVR loans an item to you, you must sign an agreement with DVR to comply with the following conditions:

- (1) You agree to immediately return the item upon request or to pay for the item if you cannot return it to DVR;
- (2) You agree to maintain the item according to DVR instructions and manufacturer's guidelines, if applicable, and keep it secure from damage, loss or theft.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1220, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1230 What happens if I fail to return a device, tool, piece of equipment or other item if requested by DVR? If DVR directs you to return an item loaned to you and you do not immediately return it, DVR reports the loss to the DSHS office of financial recovery (OFR). The OFR attempts to recover the item or payment for the item from you. If the OFR cannot recover the item or pay-

(4/23/07)

ment for the item from you, the OFR may report the loss to the local county prosecutor for legal action.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1230, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1240 What happens to a device, tool, piece of equipment or other item if I need it when my DVR case service record is closed? DVR may transfer ownership of the device, tool, piece of equipment or other item to you at the time a DVR counselor closes your case service record if you have achieved an employment outcome and you need the item to keep your job.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1240, filed 12/20/02, effective 2/3/03.]

CASE CLOSURE

WAC 388-891-1300 Why does DVR close a case service record? A DVR counselor closes your case service record for any of the following reasons:

- (1) You achieve an employment outcome;
- (2) DVR determines that you are not eligible or no longer eligible;
- (3) You are no longer available to participate in services;
- (4) You decline VR services;
- (5) You cannot be located;
- (6) You ask DVR to close your case service record;
- (7) You refuse to cooperate in required or agreed upon conditions or services; or
- (8) You require supported employment services and you and your VR counselor have explored all available options for securing resources for extended services or natural supports and there is no reasonable expectation these services will become available.

[Statutory Authority: RCW 74.29.020, 74.08.090, and August 1998 Amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363. WSR 07-10-023, § 388-891-1300, filed 4/23/07, effective 6/15/07. Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1300, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1310 How does DVR determine that I have achieved an employment outcome? DVR determines that you have achieved an employment outcome and no longer need VR services if:

- (1) You received services under an IPE that helped you achieve the employment outcome on your employment plan;
- (2) Your job matches your strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice;
- (3) You have been working at the same job for at least ninety days to ensure the stability of your employment; and
- (4) You and a DVR counselor agree the job is satisfactory, that you are performing the job well, and that you no longer need VR services.

[Ch. 388-891 WAC p. 25]

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1310, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1320 Am I involved in the decision to close my case? Before closing your case, a DVR counselor gives you an opportunity to discuss the decision. DVR notifies you in writing, or another method of communication, if needed, about the reason your case is being closed and your rights if you disagree with the decision.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1320, filed 12/20/02, effective 2/3/03.]

WAC 388-891-1330 Under what conditions does DVR follow up with me after my case is closed? (1) DVR contacts you within twelve months after your case service record is closed and annually for two years after that to review whether anything has changed to affect your eligibility if:

(a) DVR closes your case after determining you are ineligible because you are too severely disabled to achieve an employment outcome as a result of VR services;

(b) You achieve a supported employment outcome and earn wages under section 14(c) of the Fair Labor Standards Act while working toward competitive employment;

(c) You choose extended employment; or

(d) You and your DVR counselor cannot find a source for extended services and/or cannot establish natural supports during the initial eighteen months of your individualized plan for supported employment.

(2) After DVR completes the reviews annually for two years, you or your representative may request additional annual reviews.

[Statutory Authority: RCW 74.29.020, 74.08.090, August 1998 amendments to the Rehabilitation Act of 1973, 34 C.F.R. Parts 361 and 363, chapters 74.29, 43.19 RCW, RCW 43.43.832, 4.24.550, 71.09.340, 9A.44.130, and chapter 26.44 RCW. WSR 03-02-014, § 388-891-1330, filed 12/20/02, effective 2/3/03.]